

REMARKS

Claims 1-42 are pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Section 102(b) Rejection:

The Examiner rejected claims 1-42 under 35 U.S.C. § 102(b) as being anticipated by Wagle (U.S. Patent 5,790,425). Applicants respectfully traverse this rejection for at least the following reasons.

Regarding claim 27, Wagle clearly fails to disclose determining a subset of attributes in a client state of session data on a first application server that have been modified. The Examiner relies on Wagle, citing column 1, lines 49-65. Wagle teaches a method for server benchmarking in a client server environment. Wagle teaches executing a benchmark client program that generates workload requests to the server and the server's response is measured. Wagle's system appears to have very little, if anything, to do with Applicants' claims. For instance, the Examiner's cited passage does not disclose anything at all about determining a subset of attributes in a client state of session data on an application server that have been modified. Instead, at the Examiner's cited passage, Wagle teaches that, in his system, multiple clients include load generators and execute benchmark programs to generate a load on the server. The server's response time is then measured and aggregated.

Wagle's client systems execute benchmarking programs to measure a servers response time and do not disclose anything regarding determining a subset of attributes in a client state of session data on an application server that have been modified. Wagle does not mention session data on an application server. Wagle also does not mention anything regarding a subset of attributes of the session data have been modified. Moreover, Wagle clearly fails to teach anything regarding *determining* such a subset of attributes in a client state of the session data.

In further regard to claim 27, Wagle also fails to disclose synchronizing a primary state of session data on a distributed store with the client state according to the subset of the attributes. The Examiner cites column 2, lines 8-20 and refers to Wagle's "prime client synchronizing the load while the benchmark is running [and] updates a file contain[ing] the parameters." However, Wagle's prime client does not synchronize a primary state of session data with the client state of the session data according to the determined subset of the attributes. Instead, Wagle teaches, "[d]uring the load generation phase of the benchmark, multiple load-generating processes executing on each client/load generate send a request to the file server" (column 2, lines 10-12). Thus, Wagle teaches that his prime client synchronizing the sending of the load generation requests to the server under test. Synchronizing the sending of load generation requests has nothing whatsoever to do with, and clearly fails to disclose, synchronizing a primary state of session data with a client state according to the determined subset of the attributes.

As noted above, Wagle is not concerned with determining a subset of attributes in a client state of session data that have been modified or about synchronizing a primary state of the session data with the client state according to the subset of the attributes. Instead, Wagle is concerned with testing and measuring the response time of a file server by having multiple clients sending load generating requests to the server.

The Examiner has not provided a *prima facie* rejection. Anticipation requires the presence in a single prior art reference disclosure of each and every limitation of the claimed invention, arranged as in the claim. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). As discussed above, Wagle clearly fails to disclose determining a subset of attributes in a client state of session data on a first application server that have been modified. Wagle further fails to disclose synchronizing a primary state of session data on a distributed store with the

client state according to the subset of the attributes, as recited in claim 27. Therefore, Wagle cannot be said to anticipate claim 27.

For at least the reasons above, the rejection of claim 27 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks also apply to claims 10, 19 and 35.

Regarding claim 1, contrary to the Examiner's assertions, Wagle fails to anticipate Applicants' claim 1. For instance, as noted above, Wagle fails to disclose synchronizing a primary state of session data with a client state of session data according to a (determined) subset of the attributes that have been modified. Please refer to the remarks above regarding claim 27 for a more detailed discussion of Wagle's failure to disclose synchronizing the primary state with the client state according to the subset of the attributes.

In further regard to claim 1, Wagle also fails to disclose a distributed store comprising a primary state of session data configured for access by a plurality of application servers, wherein the primary state of the session data comprises a plurality of attributes. The Examiner cites column 2, lines 8-20 and column 3, lines 50-55 as well as FIG. 4 of Wagle. However, Wagle fails, either at the cited portions or elsewhere, to disclose anything regarding a *distributed store* including a primary state of session data as recited in claim 1. As discussed above, at column 2, lines 8-20, Wagle describes how, in Wagle's system, the prime client synchronizes the load being generated at the server under test. However, synchronizing the sending of load generation requests to a server under test does not disclose anything about a distributed store including a primary state of session data.

The Examiner's other cited passage (column 3, lines 50 – 55) Wagle's benchmark client and benchmark workload objects. Wagle teaches that the benchmark client object and the benchmark workload objects are separated in the client system "by defining a workload application programming interface (API)" (parentheses in original). Wagle's

workload API seems to have no relevance at all to the limitations of Applicants' claim and clearly fails to disclose anything regarding a distributed store including a primary state of session data configured for access by a plurality of application servers. Moreover, FIG. 4, also cited by the Examiner, recites the overall method of Wagle's system, but does not mention or otherwise disclose anything regarding a distributed store including a primary state of session data configured for access by a plurality of application servers.

Further in regard to claim 1, Wagle also fails to disclose a first one of the application servers comprising a client state of the session data, wherein the application server is configured to provide access to the client state of the session data to processes executing within the application server. The Examiner cites column 4, lines 26-45 and refers to "a new state." At this cited passage, Wagle teaches that his client programs are typically platform-independent and written in Java. The "new state" that the Examiner refers to has nothing do with a client state of session data. Instead, Wagle is describing object-oriented objects and methods. Wagle teaches that methods are "object-oriented components which define an object's 'behavior'" and that "[m]ethods manipulate the instance variables to create a new state and new objects" (column 4, lines 27-31). Thus, Wagle is describes object-oriented objects and methods in general. Wagle does not describe anything about an application server including a client state of the session data. The object and methods mentioned by Wagle do not disclose anything regarding session data or application servers. Additionally, the cited passage (column 4, lines 26-45) does not disclose that the application server (including the client state of session data) is configured to provide access to the client state of the session data to processes executing within the application server.

In yet further regard to claim 1, Wagle also fails to disclose a system configured to compare the client state to a benchmark of the client state to determine a subset of the attributes that have been modified in the client state. The Examiner cites column 1, lines 15-17 and refers to Wagle's system comparing the performance of various servers. However, Wagle is not discussing, nor is he concerned

with, comparing a client state of session data to a benchmark of the client state (of the session data) to determine subset of the attributes that have been modified in the client state (of the session data). Instead, the cited passage states, “[t]he ability to compare the performance of various server configurations from several vendors is critical when selecting a server.” Wagle is clearly stating that comparing the performance, such as in terms of response time, of different physical server configurations. Wagle is not discussion comparing different versions (e.g., client state and benchmark of client state) of session data to determine a subset of the attributes (of the session data) that have been modified in the client state. Even a cursory reading of the Wagle reference indicates that Wagle is not concerned with determining a subset of attributes of session data that have been modified in a client state of the session data by comparing the client state to a benchmark of the client state.

Thus, for at least the reasons above, the rejection of claim 1 is not supported by the cited art and removal thereof is respectfully requested.

In further regards to claim 10, Wagle also fails to disclose a distributed store comprising a primary state of session data configured for access by a plurality of application servers, wherein the primary state of the session data comprises a plurality of attributes. Please refer to the remarks above regarding claim 1 for a more detailed discussion of Wagle’s failure to disclose a distributed store comprising a primary state of session data configured for access by a plurality of application servers, wherein the primary state of the session data comprises a plurality of attributes.

Additionally in regard to claim 10, Wagle does not teach a first one of the application servers comprising a client state of the session data, wherein the application server is configured to provide access to the client state of the session data to processes executing within the application server. Please refer to the remarks above regarding claim 1 for a more detailed discussion of Wagle’s failure to disclose a first one of the application servers comprising a client state of the session data, wherein

the application server is configured to provide access to the client state of the session data to processes executing within the application server.

Thus, the rejection of claim 10 is not supported by the cited art and removal thereof is respectfully requested. Similar remarks also apply to claim 19.

Section 103(a) Rejection:

The Examiner rejected claims 5-9, 14-18, 22-26, 30-34 and 38-42 under 35 U.S.C. § 103(a) as being unpatentable over Wagle in view of Logston et al. (U.S. Patent 6,687,735) (hereinafter “Logston”). Applicants traverse the rejection of these claims for at least the reasons presented above regarding their respective, independent claims.

Applicants also assert, regarding both the § 102 and § 103 rejections, that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the rejections have been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time.

CONCLUSION

Applicants submit the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above-referenced application from becoming abandoned, Applicants hereby petition for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-12000/RCK.

Also enclosed herewith are the following items:

- ☐ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☐ Other:

Respectfully submitted,

/Robert C. Kowert/

Robert C. Kowert, Reg. #39,255
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8850

Date: February 21, 2007